

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:	)	
Timothy A. Krebs	)	
Tina E Krebs	)	
	)	Case No. 15-14061-KHK
	)	Chapter 13
Debtors		

**NOTICE OF MOTION AND HEARING**

Capital One Auto Finance, a division of Capital One N.A. has filed papers with the court to move the court for relief from the automatic stay.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must **also** mail a copy to the persons listed below.
  
- ☐ Attend the hearing scheduled to be held on January 24, 2018 at 9:30 AM in United States Bankruptcy Court, 200 South Washington Street, 2<sup>nd</sup> Floor, Courtroom II, Alexandria, Virginia 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

- A copy of any written response must be mailed to the following persons:

Clerk of Court  
United States Bankruptcy Court  
200 S. Washington Street  
Alexandria, Virginia 22314

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452

United States Trustee, Region 4  
115 South Union Street, Suite 210  
Alexandria, VA 22314.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: January 3, 2018

Signature, name, address and telephone number  
of person giving notice:

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
Virginia State Bar Number 48425  
Counsel for Capital One Auto Finance, a division of  
Capital One N.A.

Certificate of Service

I hereby certify that on January 3, 2018, I mailed or electronically served a true copy of this Notice of Motion to: Timothy A. Krebs, 4400 Milroy Crest Street, Apt. 3108, Fairfax, VA 22030; Tina E Krebs, 4400 Milroy Crest Street, Apt. 3108, Fairfax, VA 22030; Thomas P. Gorman, Trustee, 300 N. Washington St. Ste. 400, Alexandria, VA 22314; and Scott A. Weible, Counsel to Debtors, 10645 N. Oracle Road, PMB 121-353, Oro Valley, AZ 85737-9387.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:

Timothy A. Krebs  
Tina E Krebs

Case No. 15-14061-KHK

Debtors.

Chapter 13

Capital One Auto Finance, a division of Capital One N.A.,

Plaintiff,

v.

Timothy A. Krebs,  
Tina E Krebs,  
and  
Thomas P. Gorman, Trustee,

Defendants.

**MOTION FOR RELIEF FROM STAY**

NOW COMES Capital One Auto Finance, a division of Capital One N.A., by counsel, and states as follows as its Motion for Relief from Stay against Debtors:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.

2. That on November 17, 2015, Debtors filed a Chapter 13 bankruptcy. Debtors have filed a Chapter 13 plan.

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Counsel for Plaintiff

3. That Plaintiff is a secured creditor of Debtors being secured by a lien on a 2012 HONDA ODYSSEY-V6 Wagon 5D EX-L, VIN 5FNRL5H6XCB087867.

4. That under the terms of the plan, Debtors proposed to pay Plaintiff post petition payments directly, outside of the plan.

5. Debtors are in default in the making of the payments and are presently due for the September 16, 2017 through December 16, 2017 payments for arrearages totaling \$2,360.00 with a payoff of approximately \$21,738.37 on the account. Additionally, Plaintiff has incurred costs and attorney's fees in the filing of this Motion.

6. That Plaintiff lacks adequate protection.

7. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 so that it may proceed under state law.

Capital One Auto Finance, a division of Capital One  
N.A.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

Certificate of Service

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/s/ Sara A. John  
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